

ORDINANCE NO. 2022-22

2022 JUN 23 P 3:11

CINDY MURRAY

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,  
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM NB TO NBU

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:**

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

See Attachment Exhibit A

Section II: The above-described real estate should be and the same is hereby rezoned from NB to NBU.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
INDIANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Perry E. Brown, Presiding Officer

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tony Roswarski, Mayor

Attest:

\_\_\_\_\_  
Cindy Murray, City Clerk

## EXHIBIT A

Part of the Northeast quarter of Section Twenty one (21) township twenty three (23) North, Range Four (4) West, described as follows:

Beginning at the intersection of the west line of said quarter section with the north line of Salem Street in the City of Lafayette, which point is 352.345 feet north of the southwest corner of said quarter section, thence north along said west line to a point 147.95 feet south of the intersection of said west line with the center line of Elmwood Avenue in the City of Lafayette, thence north  $44^{\circ} 16'$  east a distance of 101.2 feet; thence north  $58^{\circ} 27'$  east a distance of 120.3 feet; thence south and parallel to the west line of said quarter section a distance of 294.77 feet to the north line of Salem Street; thence west along said north line of Salem street to the place of beginning.

EXCEPT that portion of the above tract on the west side thereof heretofore dedicated for street purposes.

ALSO

Six (6) feet off of the west side of the alley located west of lots 21 and 46 shown on the recorded plat for the Echo Addition to the City of Lafayette, Indiana.

ALSO

A portion of that certain alley vacated by Ordinance 89-25 dated August 7, 1989, six (6) feet in width off of the west side of said alley and running north from the terminus of said alley on Salem Street for a distance of 124.5 feet.





## Area Plan Commission of Tippecanoe County, Indiana

June 16, 2022  
Ref. No.: 2022-129

Lafayette City Council  
20 North 6<sup>th</sup> Street  
Lafayette, Indiana 47901

### CERTIFICATION

RE: **Z-2860 RICHARD & GAIL MICHAEL (NB to NBU):**  
Petitioners are requesting rezoning of 911 N. 18<sup>th</sup> Street, located on the northeast corner of Salem and N. 18<sup>th</sup> Streets, in Lafayette, Fairfield 21 (NE) 23-4.

Dear Lafayette City Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 15, 2022 the Area Plan Commission of Tippecanoe County voted 15 yes – 0 no on the motion to rezone the subject real estate from NB to NBU. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette City Council that the proposed rezoning ordinance be **APPROVED** for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette City Council at its July 05, 2022 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle  
Executive Director

DH/jae

Enclosures: Staff Report & Ordinances

cc: Richard & Gail Michael, Petitioners  
Kevin Riley, Reiling Teder & Schrier, LLC

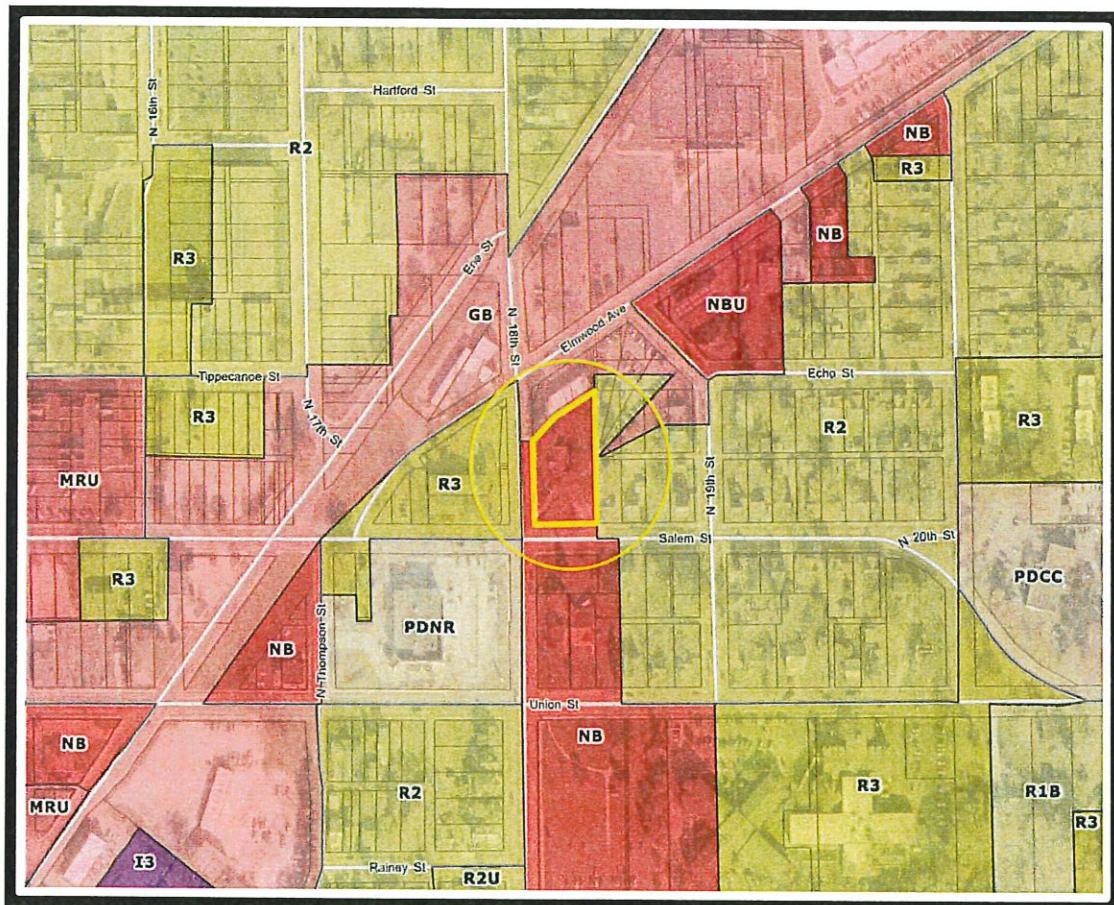


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**Z-2860**  
**RICHARD & GAIL MICHAEL**  
**(NB to NBU)**

**STAFF REPORT**  
**June 9, 2022**

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**Z-2860**  
**RICHARD MICHAEL & GAIL MICHAEL**  
**NB to NBU**

Staff Report  
June 9, 2022

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners and owners, Richard Michael & Gail Michael, represented by Attorney Kevin Riley, are requesting rezoning of a property at the corner of Salem and 18<sup>th</sup> Streets, more specifically 911 N 18th St, Lafayette, Fairfield 21 (NE) 23-4.

The property is up for sale, and according to the petitioners' representative, if this rezone is successful, they would be able to market it as both commercial and residential (NBU allows both). The owners do not plan to change the building in any way.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

In 1979, the property was rezoned from R3 to LB (Z-947). In 1998, when the newly adopted UZO was implemented, areas previously zoned LB became NB, including this property. Adjacent properties are zoned R2, R3, GB, NB and PDNR.

This area has seen many rezone cases over the last several decades. The property immediately to the south was rezoned from R2 to R3 (Z-1329) in 1988, and then R3 to NB (Z-2561) in 2014. The property to the northeast was rezoned from R2 & GB to NBU (Z-2235), and the property to the south west was rezoned from R3 to PDNR (Z-2405).

**AREA LAND USE PATTERNS:**

The site in question has a single dwelling on it, built before 1900. There is one mental health provider leasing space on the first floor. On the second floor is an empty residential unit. There is a computer company to the south, a CVS Pharmacy to the southwest, apartments to the west, commercial to the north along Elmwood, and one- and two-family dwellings to the east. The property as it exists today would meet all UZO requirements regarding setback and lot coverage for NBU zoning.

**TRAFFIC AND TRANSPORTATION:**

The site has two existing driveway entrances: one from Salem Street on the south side and one from 18<sup>th</sup> Street. Both streets are classified as urban primary arterials by the adopted *Thoroughfare Plan*. There are parking areas along both driveways; an additional detached parking area on the northeast side of the building is accessed via the alley from 19<sup>th</sup> Street. There are 16 parking spaces, 2 of which are paved.

Parking considerations (in addition to the current use requirements) may need to be addressed, depending on how many residential dwellings are planned for the building.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City water and sewer serve the site.

**STAFF COMMENTS:**

When the last rezone of this property from R3 to LB was approved in 1979, it allowed both smaller neighborhood-type commercial as well as residential uses on the same property. The UZO of 1998, however, removed the LB zone and replaced it with NB, which does not allow residential uses. The "urban" designation in NBU zoning includes the residential allowance, if commercial is limited to the first floor. Petitioners have listed the property for sale as commercial and hope to add the residential use to market to additional buyers. It is unknown what any future owners will wish to do with the property; with an NBU zone, they would have the option of keeping it business only or adding residential upstairs on the second floor.

There are a handful of other NB and NBU-zoned properties in this area of Lafayette; rezoning this property to NBU would not be out of place. It would also fall in line with the Union-Salem Corridor Amendment to the Comprehensive Plan, which shows areas that should be maintained as commercial or residential. It states, "the Plan clearly calls for no commercial expansion in the future along either side of 18<sup>th</sup> Street moving south from Elmwood." This is an existing commercially-zoned property and would not expand the commercial district any further. It is on the southern end of a small commercial node, surrounded by moderate-density residential. Allowing NBU zoning for the purposes of adding residential would create a type of "bridge" between these two uses.

**STAFF RECOMMENDATION:**

Approval